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09/583,216	05/30/2000	Lou Leonardo	003801.P021	2353

7590 05/06/2004  
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EXAMINER

FRENEL, VANEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/583,216

Applicant(s)

LEONARDO ET AL.

Examiner

Vanel Frenel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Notice to Applicant***

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/27/04 has been entered.

2. This communication is in response to the RCE filed on 02/27/04. Claims 1, 3-10, 12-19 have been amended. Claims 1-20 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaidyanathan et al (2004/0059596) in view of Campbell (US 2001/0041993).

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(A) As per claim 1, Vaidyanathan discloses a computer-implemented method for a network-based facility (See Vaidyanathan Page 3, Paragraph 0039), the method comprising:

facilitating a submission of a complaint to the network-based

facility, the complaint relating to a network-based transaction (See Vaidyanathan Page 3, Paragraph 0044);

associating an identifier to the complaint (See Vaidyanathan, Page 5, Paragraphs 0051-0058);

facilitating a claim for insurance if the complaint is not resolved (See Campbell, Page 5, Paragraph 0048).

a first party and a second party, the first party and the second party generating the network-based transaction and facilitating a dialog between the first party and the second party to provide a resolution of the complaint associated with the identifier (See Vaidyanathan, Page 3, Paragraphs 0039-0044).

Vaidyanathan does not explicitly disclose facilitating a claim for insurance if the complaint is not resolved.

However, this feature is known in the art, as evidenced by Campbell. In particular, Campbell suggests facilitating a claim for insurance if the complaint is not resolved (See Campbell, Page 5, Paragraph 0048).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the feature of Campbell within the system of Vaidyanathan with the motivation of resolving an electronic commerce dispute involving

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one or more parties by selecting one of two modes of resolving the dispute, the first mode being completely driven by an electronic agent and the second mode involving a dispute resolution specialist; and presenting the resolution of the dispute to the one or more parties (See Vaidyanathan, Page 2, Paragraph 0010).

(B) As per claim 2, Vaidyanathan discloses the method wherein the network-based facility is a network-based online auction facility and the network-based transaction is a network-based online auction transaction (See Vaidyanathan Page 3, Paragraph 0044).

(C) As per claim 3, Vaidyanathan discloses the method wherein the facilitating of the submission of the complaint includes: providing an interface for at least one of the parties to input information for the complaint (See Vaidyanathan, Page 4, Paragraph 0046).

(D) As per claim 4, Vaidyanathan discloses the method wherein the providing of the interface includes: providing an interface for the first party and an interface for the second party (See Vaidyanathan, Page 5, Paragraphs 0051-0055).

(E) As per claim 5, Vaidyanathan discloses the method wherein the facilitating of the resolution includes: providing a status interface for one of the parties to view a current status or provide comments related to the complaint associated with the

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identifier and an interface to report a status of the complaint associated with the identifier (See Vaidyanathan, Page 5, Paragraphs 0051-0058).

(F) As per claim 6, Vaidyanathan discloses the method wherein the providing of the status interface includes: providing an interface for one of the parties who is complained against to input comments related to the complaint associated with the identifier (See Vaidyanathan, Page 5, Paragraphs 0051-0058).

(G) As per claim 7, Campbell discloses the method wherein the facilitating of the claim for insurance includes: providing an interface for one of the parties to file an insurance claim if the complaint has not be resolved after a certain period of time (Page1, Paragraph 0006).

The motivation for combining the respective teachings of Vaidyanathan and Campbell are as discussed above in the rejection of claim 1, and incorporated incorporated herein.

(H) As per claim 8, Vaidyanathan discloses the method wherein the facilitating of the resolution includes: providing an interface allowing one of the parties who is complained against to respond to the complaint (See Vaidyanathan, Page 5, Paragraphs 0051-0058).

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(I) As per claim 9, Vaidyanathan discloses the method wherein the facilitating of the resolution includes: exchanging comments between the first party and the second party regarding the complaint associated with the identifier, wherein the first party is a complaining party and the second party is a complained against party (Page 7, Paragraphs 0074-0078).

(J) As per claim 10, Vaidyanathan discloses a network-based facility system, comprising: a database configured to maintain records of network-based transactions (See Vaidyanathan Page 3, Paragraph 0039) and;

facilitate a claim for insurance if the complaint is not resolved (See Campbell, Page 5, Paragraph 0048).

a processing unit configured to facilitate a submission of a complaint from a first party against a second party, the complaint relating to a network-based transaction record maintained by the database, the network-based transaction being between the first party and the second party, to associate an identifier to the complaint (See Vaidyanathan, Page 3, Paragraphs 0039-0044), to facilitate a dialog between the first party and a second party to provide a resolution of the complaint associated with the identifier (See Vaidyanathan, Page 3, Paragraphs 0039-0044).

Vaidyanathan does not explicitly disclose facilitate a claim for insurance if the complaint is not resolved.

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However, this feature is known in the art, as evidenced by Campbell. In particular, Campbell suggests facilitate a claim for insurance if the complaint is not resolved (See Campbell, Page 5, Paragraph 0048).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the feature of Campbell within the system of Vaidyanathan with the motivation of resolving an electronic commerce dispute involving one or more parties by selecting one of two modes of resolving the dispute, the first mode being completely driven by an electronic agent and the second mode involving a dispute resolution specialist; and presenting the resolution of the dispute to the one or more parties (See Vaidyanathan, Page 2, Paragraph 0010).

(K) As per claim 11, Vaidyanathan discloses the network-based facility system wherein the network-based transaction record is a network-based online transaction record (Page 4, Paragraph 0044).

(L) As per claim 12, Vaidyanathan discloses the network-based facility system wherein the processing unit is further configured to provide an interface for the first party to input information for the complaint (See Vaidyanathan, Page 4, Paragraph 0046).

(M) As per claim 13, Vaidyanathan discloses the network-based facility system wherein the processing unit is further configured to provide an interface for the first party and an interface for the second party, wherein the first party is a buyer involved in the



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network-based transaction and the second party is a seller involved in the network-based transaction (See Vaidyanathan, Page 3, Paragraphs 0039-0044).

(N) As per claim 14, Vaidyanathan discloses the network-based facility system wherein the processing unit is further configured to provide a status interface for each of the parties to view a current status and provide comments related to the complaint associated with the identifier and an interface to report a status of the complaint associated with the identifier (See Vaidyanathan, Page 5, Paragraphs 0051-0058).

(O) As per claim 15, Vaidyanathan discloses the network-based facility system wherein the processing unit is further configured to provide an interface for the second party who is complained against to input comments related to the complaint associated with the identifier (See Vaidyanathan, Page 5, Paragraphs 0051-0058);

(P) As per claim 16, Campbell discloses the network-based facility system wherein the processing unit is further configured to provide an interface for the first party to file an insurance claim if the complaint has not be resolved after a certain period of time (Page 1, Paragraph 0006; Page 5, Paragraph 0048).

The motivation for combining the respective teachings of Vaidyanathan and Campbell are as discussed above in the rejection of claims 1 and 10, and incorporated incorporated herein.

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(Q) As per claim 17, Campbell discloses the network-based facility system wherein the processing unit is further configured to provide an interface allowing the second party who is complained against to respond to the complaint (Page 4, Paragraph 0037-0038).

The motivation for combining the respective teachings of Vaidyanathan and Campbell are as discussed above in the rejection of claims 1 and 10, and incorporated incorporated herein.

(R) As per claim 18, Vaidyanathan discloses the network-based facility system wherein the processing unit is further configured to facilitate exchange of comments between the first party and the second party regarding the complaint associated with the identifier (See Vaidyanathan, Page 3, Paragraphs 0039-0044).

(S) Claim 19 differs from claims 1 and 10 by reciting a machine-readable medium that provides instructions, which when executed by a machine.

As per this limitation, it is noted that Vaidyanathan discloses said machine to perform operations comprising: facilitating a submission of a complaint to the network-based facility, the complaint relating to a network-based transaction (Page 3, Paragraph 0039); between a first party and a second party, the first party and the second party generating the network-based transaction; facilitating a dialog between the first party and the second party to provide a resolution of the complaint associated with the

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identifier (See Vaidyanathan, Page 3, Paragraphs 0039-0044) and Campbell discloses associating an identifier to the complaint (Page 5, Paragraphs 0051-0058).

Thus, it is readily apparent these prior art systems utilize a machine-readable medium that provides instructions to perform the their specified function.

The remainder of claim 19 is rejected for the same reason given above for claims 1 and 10, and incorporated herein.

(T) As per claim 20, Vaidyanathan discloses the machine-readable medium wherein the network-based facility is a network-based online auction facility and the network-based transaction is a network-based online transaction (See Vaidyanathan Page 3, Paragraph 0039).

### ***Response to Arguments***

5. Applicant's arguments filed on 02/27/04 with respect to claims 1-20 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed on 02/27/04.

(A) At pages 7-8, of the 02/27/04 response, Applicant's argues that the features in the 02/27/04 amendment are not taught by or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 02/27/04 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Vaidyanathan and/or Campbell based on the logic

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and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action (paper number 9), and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches method for electronic merchandise dispute resolution (6,336,095), method and apparatus for cryptographically assisted commercial network system designed to facilitate buyer-driven conditional purchase offers (5,794,207) and online method and system for fulfilling needs resulting from property and other similar losses (US 2002/0035528).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

V.F  
V.F

April 30, 2004

*Alexander Krawnski*  
*Alexander Krawnski*  
*Art 3626*  
*January 2004*